



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2015

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

WRIT PETITION (MD) No.3642 of 2015

WEB COPY

P.Sureshkumar

... PETITIONER

-vs-

1. The Commissioner
Office of Director of Technical Education
Chennai-600 025.

2. The Principal
PET Polytechnic College,
Tiruchendur Road,
Madapuram, Valliyoor,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ in the nature of Mandamus, forbearing the 1st respondent from interfering for attending the Class for III Year Diploma in Mechanical Engineering in the 2nd respondent Polytechnic College except under due process of law.

For Petitioner : Mr.V.Sasikumar

For R1 : Mr.R.Anandaraj

Govt. Advocate

For R2 : Mr.C.Venkateshkumar

For M/s.Ajmal Associates

O R D E R

This writ petition has been filed by the petitioner, seeking for issuance of a writ in the nature Mandamus, forbearing the 1st respondent from preventing the petitioner in attending III Year Diploma in Mechanical Engineering class in the 2nd respondent Polytechnic College except under due process of law.

2. The petitioner submits that he was kept under suspension for a period of two weeks and that after the period of suspension, when he approached the 2nd respondent for attending the class, the 2nd respondent in turn informed the petitioner about his disentitlement in appearing for the practical examination to be held on 17.03.2015 and the subsequent written examination. The petitioner further submits that the order of suspension was issued on the indirect ground that he was in love with a Muslim girl and that the girl insisted him to convert himself to Islam, on coming to know which, the suspension order came to be passed against him.

3. However, a reading of the affidavit shows that no such averment finds place in it. That apart, the second respondent has filed a counter along with a petition to vacate the interim order granted by this Court on 16.03.2015 and also produced documents to show that even prior to the order of suspension, the petitioner did not attend the classes and an intimation in this regard has also been sent to the petitioner's father.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. It is immaterial for this Court to go into the question whether the petitioner was in love with a Muslim girl or not. Admittedly, there is no attendace as per the norms of the first respondent, that it is mandatory on the part of the petitioner to possess 80% of attendance for qualifying himself to write the Board Examiantions and that as per the Director of Technical Education Rules, a condonation upto 5% is permissible for genuine and valid reasns. Since the petitioner only possesses 63.64% of attendance, he will not be eligible for the examination, even after extending the benefit of 5% condonation and therefore, the respondent College did not allow him to appear for the examiantion.

6. It is not in dispute that the petitioner did not have sufficient attendance and that he had fallen short of more than 7% attendance. I find that there is justification on the part of the respondents in denying permission to the petitioner to take up the examinations. Under such circumstances, there is no underlying reason whatsoever warranting this Court to interfere with the decision of the respondents. Hence, this Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To:

The Commissioner
Office of Director of Technical Education
Chennai-600 025.

+1cc to Mr.V.Sasikumar, Advocate in SR.18152
+1cc to M/s.Ajmal Associates, Advocate in SR.18148
+1cc to the Special Government Pleader in SR.18767

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